

REMARKS

The Examiner's action dated October 26, 2009, has been received, and its contents carefully noted.

In response to the requirement presented in sections 1 and 2 of the action, it is not believed that the declaration, as filed, included any "alterations"; the only additions made to the declaration after it was prepared consisted of the inventors' signatures and the date of signing by the first-named inventor.

While it is true that the declaration lacks a date of signature for the second-named inventor, attention is directed to MPEP §602.05, which states that "Office will no longer require a newly executed oath or declaration...where the date of execution has been omitted."

Accordingly, it is requested that the requirement for a new declaration be withdrawn.

In response to the objection to the specification, submitted herewith is a new abstract that is in compliance with PTO guidelines.

In response to the claim objections presented in sections 5-9 of the action, the original claims have been cancelled and replaced by new claims 10-16, drafted to be free of the informalities noted by the Examiner. In particular,

reference numerals have been omitted from the new claims and all of the new claims are in singly dependent form.

Claim 10 essentially combines the subject matter of original claims 1-5 and claims 11-16 present the subject matter of original claims 6-9.

It is therefore requested that these objections be withdrawn.

In response to the claim rejections presented in sections 10-14 of the action, the new claims have been drafted to be free of all of the informalities noted by the Examiner. In particular, the new claims have been drafted to provide proper antecedent basis for all recited elements.

It is accordingly requested that these rejections be reconsidered and withdrawn.

The rejection of the original claims as anticipated by DeVries is traversed for the reason that the newly submitted claims, and particularly new independent claim 10, have been drafted to more clearly define the contribution of the invention over the prior art.

New claim 10 defines a deep-drawn packaging that includes a deep-drawn cup and an applicator fixed to the cup by sealing in a contact region. Claim 10 further specifies that the applicator is fixed in a region that extends only

over portions of the contact surface, leaving free said
predetermined break point.

These features are clearly not disclosed by the applied reference.

These features, and particularly the fact that the applicator is fixed to the cup in a manner that leaves the break point free assures a safe and leak proof fixing of the applicator and an undisturbed discharge of the medium after the packaging has been broken at the break point.

In view of the foregoing, it is requested that the prior art rejection presented in the action be reconsidered and withdrawn, that new claims 10-16 be allowed and that the application be found in allowable condition.

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Reply to Office Action of October 26, 2009

If the above amendment should now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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